

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Leilani Rhodes	Team: Squad #9	CCRB Case #: 201902116	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 03/03/2019 9:00 PM	Location of Incident: Inside § 87(2)(b)	Precinct: 114	18 Mo. SOL 9/3/2020	EO SOL 4/20/2021	
Date/Time CV Reported Mon, 03/11/2019 11:15 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 03/11/2019 11:15 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Demetrios Babatsikos	12226	953650	114 PCT
2. POF Cindy Paulino	26234	962665	114 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Demetrios Babatsikos	Abuse: Police Officer Demetrios Babatsikos threatened to arrest § 87(2)(b)	
B.POF Cindy Paulino	Abuse: Police Officer Cindy Paulino threatened to arrest § 87(2)(b)	
C.POM Demetrios Babatsikos	Abuse: Police Officer Demetrios Babatsikos failed to provide § 87(2)(b) with a business card.	

### Case Summary

§ 87(2)(b) filed this complaint with IAB via phone on March 6, 2019 generating Original Log 19-8497. The CCRB received this case on March 11, 2019.

On March 3, 2019 at approximately 9 p.m., § 87(2)(b) called 911 to make a complaint about his roommate. PO Demetrios Babatsikos and PO Cindy Paulino from the 114<sup>th</sup> Precinct arrived at § 87(2)(b) in Queens in response to § 87(2)(b)'s complaint. PO Babatsikos and PO Paulino threatened to arrest § 87(2)(b) (Allegation A, Allegation B: Abuse of Authority, § 87(2)(g) § 87(2)(b) requested both officers' business cards. PO Paulino provided her business card, and PO Babatsikos wrote his name on PO Paulino's business card without providing his own (Allegation C: Abuse of Authority, § 87(2)(g) No arrests were made or summonses issued as a result of this incident.

§ 87(2)(b) provided cell phone footage of the incident; however, it did not capture anything relevant to the allegations (Board Review 04).

### Findings and Recommendations

**Allegation A – Abuse of Authority: Police Officer Demetrios Babatsikos threatened to arrest § 87(2)(b)**

**Allegation B – Abuse of Authority: Police Officer Cindy Paulino threatened to arrest § 87(2)(b)**

It is undisputed that PO Babatsikos and PO Paulino responded to § 87(2)(b) in response to § 87(2)(b)'s 911 call.

§ 87(2)(b) stated that he called 911 to file a complaint against nursing staff at his residence and against his roommate. He called 911 thirty minutes after his first call to say that officers had not arrived. He then called 911 every half an hour or every 10 to 15 minutes to ask when officers would arrive. Approximately 45 minutes after his last call, PO Paulino and PO Babatsikos arrived. § 87(2)(b) stated that upon arriving on the scene, PO Babatsikos stated, "We're gonna arrest you for 911 abuse" (Board Review 01). In an unsworn statement to the CCRB, § 87(2)(b) stated that he could not remember what he told PO Paulino and PO Babatsikos about his dispute with his roommate. He could not remember if he ever changed his story, or if the officers ever told him that they could not take a report (Board Review 09).

PO Babatsikos and PO Paulino both testified that after they told § 87(2)(b) that they could not take a report because there was no criminality, § 87(2)(b) changed his story and stated that his roommate was causing him "annoyance and alarm." As a result, they both told § 87(2)(b) that he could be arrested for filing a false police report (Board Review 02 and Board Review 03).

§ 87(2)(g)  
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§ 87(2)(g)

§ 87(2)(b) with a business card.

It is undisputed that § 87(2)(b) requested business cards from both officers, and that PO Babatsikos wrote his name and shield number on PO Paulino's business card.

PO Babatsikos testified that he wrote his name and shield number on PO Paulino's business card because he ran out of his own business cards (Board Review 02).

NYPD Patrol Guide, Section 203-09 states that officers must allow members of the public ample time to write down identification information, if the supply of generic right to know business cards becomes depleted (Board Review 05).

§ 87(2)(g)

§ 87(2)(g)

### **Civilian and Subject Officer CCRB Histories**

- § 87(2)(b) has been party to seven CCRB complaints, and has been named a victim in 17 allegations (Board Review 06):
  - § 87(2)(b)
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- PO Babatsikos has been a member-of-service for six years and has been a subject in two CCRB complaints and five allegations, none of which were substantiated.
- PO Paulino has been a member-of-service for two years and has been a subject in three CCRB complaints and five allegations, none of which were substantiated.

## Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined mediation.

